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**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY**

CLAUDE WISE,

Plaintiff

V.

RTO NATIONAL, LLC,

Defendant

**Case No.:**

## COMPLAINT AND DEMAND FOR JURY TRIAL

## COMPLAINT

CLAUDE WISE (“Plaintiff”), by and through his attorneys, Kimmel & Silverman, P.C., alleges the following against RTO NATIONAL, LLC (“Defendant”):

# INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* ("TCPA").

## JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant conducts business in the State of New Jersey, and as such, personal jurisdiction is established.

1           4.     Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

2                                   **PARTIES**

3           5.     Plaintiff is a natural person residing in Woodbine, New Jersey 08270.

4           6.     Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

5           7.     Defendant is a business entity and national debt collector with a mailing address  
6 of 104 Mauldin Road, Greenville, South Carolina 29605.

7           8.     Defendant is a “person” as that term is defined by 47 U.S.C. §153(39).

8           9.     Defendant acted through its agents, employees, officers, members, directors,  
9 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.  
10

11                                   **FACTUAL ALLEGATIONS**

12           10.    At all relevant times, Defendant attempted to collect a consumer debt and  
13 contacted Plaintiff in its attempts to collect that debt.

14           11.    Defendant placed repeated harassing telephone calls to Plaintiff on his cellular  
15 telephone number regarding an alleged debt.

16           12.    Upon information and belief, the calls related to an alleged personal debt.

17           13.    When contacting Plaintiff on his cellular telephone, Defendant used an automatic  
18 telephone dialing system and automatic and/or pre-recorded messages.

19           14.    Plaintiff knew that Defendant’s calls were automated as they started with a  
20 noticeable pause or delay with no caller on the line and/or a pre-recorded voice before  
21 transferring to a live representative or terminating.  
22

23           15.    Defendant’s telephone calls were not made for “emergency purposes,” but rather  
24 were placed with the intent of collecting a debt allegedly owed by Plaintiff.

25           16.    Shortly after the calls started, Plaintiff demanded that Defendant stop placing

1 calls to his cellular telephone and told them he disputed owing the debt.

2 17. Defendant heard and acknowledged Plaintiff's request to stop calling, yet  
3 Defendant continued to call Plaintiff repeatedly.

4 18. Defendant's actions as described herein were taken with the intent to harass,  
5 upset and coerce payment from Plaintiff.

6 19. Plaintiff found Defendant's repeated calls to be invasive, harassing, annoying,  
7 frustrating, and upsetting.  
8

9  
10 **COUNT I**  
11 **DEFENDANT VIOLATED THE**  
12 **TELEPHONE CONSUMER PROTECTION ACT**

13 32. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at  
14 length herein.

15 33. Defendant initiated multiple automated telephone calls to Plaintiff's cellular  
16 telephone using a prerecorded voice.

17 34. Defendant initiated these automated calls to Plaintiff using an automatic telephone  
18 dialing system.

19 35. Defendant's calls to Plaintiff were not made for emergency purposes.

20 36. After Defendant was told to stop calling, Defendant knew or should have known  
21 it did not have consent to call and that any consent it may have thought it had to call was  
22 revoked, yet Defendant intentionally and knowingly continued to place autodialed calls to  
23 Plaintiff's cellular telephone.  
24  
25

1           37. Defendant's acts as described above were done with malicious, intentional,  
2 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the  
3 purpose of harassing Plaintiff.

4           38. The acts and/or omissions of Defendant were done unfairly, unlawfully,  
5 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense,  
6 legal justification or legal excuse.

7           39. As a result of the above violations of the TCPA, Plaintiff has suffered the losses  
8 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles  
9 damages.  
10

11  
12                                   **PRAYER FOR RELIEF**

13           WHEREFORE, Plaintiff, CLAUDE WISE, respectfully prays for a judgment as follows:

- 14                   a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);  
15                   b. Statutory damages of \$500.00 per violative telephone call pursuant to 47  
16                         U.S.C. § 227(b)(3)(B);  
17                   b. Treble damages of \$1,500.00 per violative telephone call pursuant to 47 U.S.C.  
18                         §227(b)(3);  
19                   d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3)  
20                   e. Any other relief deemed appropriate by this Honorable Court.  
21  
22  
23  
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25

1 **DEMAND FOR JURY TRIAL**

2 PLEASE TAKE NOTICE that Plaintiff, CLAUDE WISE, demands a jury trial in this  
3 case.

4  
5 **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

6 I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not  
7 subject to any other action pending in any court, arbitration or administrative proceeding.  
8

9  
10 RESPECTFULLY SUBMITTED

11  
12 Date: 2/28/20

By: /s/ Amy L. Bennecoff Ginsburg  
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